

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:19-CV-512-BO

UNITED STATES OF AMERICA, ex rel., ANJELICA BROWN, Plaintiff, v. MINDPATH CARE CENTERS, NORTH CAROLINA, PLLC; JEFF WILLIAMS; ABIGAIL SHERIFF, and SARAH WILLIAMS, Defendants.	DEFENDANTS' SUPPLEMENTAL DISCLOSURE OF EXPERTS AND EXPERT REPORTS
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Pursuant to Federal Rules of Civil Procedure 26(a)(2)(B), 26(b)(4) and the Case Management Order established in this case, the Defendants Mindpath Care Center, North Carolina, PLLC, Jeff Williams, Abigail Sheriff, and Sarah Williams (hereinafter referred to as "Defendants"), without waiving the right to further supplement this information, hereby submit the following expert disclosures and expert reports, as follows:

Supplemental Retained Experts Under Rule 26(a)(2)(B)

A. Expert Witness Jodi Nayoski

As previously disclosed, Jodi Nayoski will be called to testify regarding the claims at issue under Federal Rules of Evidence 702, 703, or 705, as described in the expert report and supporting exhibits which were provided to the Plaintiffs on February 28, 2025.

Defendants supplement Ms. Nayoski's previously provided report and exhibits with the following:

- Pursuant to 26(a)(2)(B)(iii), in addition to Exhibits A, B and C attached to Ms. Nayoski's Report, the Defendants supplement Ms. Nayoski's Report with



documents bates labeled MINDPATH_00939649-93971. Please note that Ms. Nayoski will also rely on the active website links cited in the footnotes in her report. She will also rely on previously admitted Exhibit 301 and previously produced medical records for the claims in the OIG sample set.

- Pursuant to 26(a)(2)(B)(iv), Ms. Nayoski has authored the following publication:

Compliance Today April 2016 “ICD-10 Lessons Learned from the Trenches”

- Pursuant to 26(a)(2)(B)(v), Ms. Nayoski has not testified as an expert at or by deposition in the previous four (4) years. However, please note the following:

Over the last nine (9) years as part of her role at Pinnacle Enterprise Risk Consulting (“Pinnacle”) services, she has served as the lead auditor for over 100 client projects related to Medicare and other federal payors, working directly with clients on matters subject to demands, internal compliance investigations and other compliance reviews. Audits in at least 80% of those matters involved Evaluation and Management services and of those project matters approximately 10% were related directly to behavioral health coding and auditing issues. These projects include assisting clients with internal reviews of coding policies and procedures, internal audits of claims data sets relative to both routine audits and those derived from an internal complaint, and statistical audits under the voluntary refund and self-disclosure protocols. Eight clients were supported through their litigation proceedings with her knowledge and background. One case required an expert witness report but was settled before deposition.

Please also refer to Ms’ Nayoski’s Curriculum Vitae attached to her report as Exhibit C which lists her coding work experience, as well as her eight current coding and auditing certifications.

- Pursuant to 26(a)(2)(B)(vi), Defendants have paid Pinnacle for Ms. Nayoski’s services at the hourly rate of \$410.00 for her prior work on this matter. Defendants will pay Pinnacle an hourly rate of \$675.00 for her report preparation, as well as any future deposition or trial work.

B. Expert Witness Bruce Truitt

As previously disclosed, Bruce Truitt will be called to testify regarding the claims at issue under Federal Rules of Evidence 702, 703, or 705, as described in the expert report and supporting exhibits which were provided to the Plaintiffs on February 28, 2025.

Defendants supplement Mr. Truitt’s previously provided report and exhibits with the following:

- Pursuant to 26(a)(2)(B)(iii), in addition to Exhibit A attached to Mr. Truitt's Report, the Defendants supplement Ms. Truitt's Report with documents bates labeled MINDPATH_939597-939648.

- Pursuant to 26(a)(2)(B)(iv), Mr. Truitt has authored the following publications:

Textbook for "Practical Statistical for Auditors" and Training Manual on Data Integrity, Validity, and Reliability for the Government Audit Training Institute in Washington DC.

Sampling and Extrapolation policies and procedures for StrategicHealthSolutions, National Supplemental Medical Review Contractor and the state of Pennsylvania Division of Audit and Review, Bureau of Financial Operations, Department of Health and Human Services, including materials for the use of RATSTATS and IDEA statistical software

Training Manual on Generally Accepted Government Auditing Standards for the Office of Natural Resource Revenue of the US Department of Interior

Training Manual on Generally Accepted Government Auditing Standards for the American Association of State Highway and Transportation Officials

Policy and Procedure Manual on Generally Accepted Government Auditing Standards for the Office of the Public Auditor of the Republic of Palau

Sampling and extrapolation training policies, procedures, and other materials for auditors in the Yale University Health System

Training and/or consultation manuals, materials, and electronic tools on Generally Accepted Government Auditing Standards, applied statistics, data validity and reliability, sampling, and/or extrapolation for the various clients listed on the previously submitted CV

- Pursuant to 26(a)(2)(B)(v), generally, due to client, counsel, or program integrity entity acceptance of Mr. Truitt's Summary Memos and Expert Reports, Mr. Truitt has not been deposed or provided testimony in the past four years. However, please note the following:

Deposition at 100 Congress Avenue, Austin, Texas on October 14, 2013 – Kern Health Systems (Plaintiff) versus Allied Management Group, et al., (Defendant), Case Number PC 052482 – Superior Court of California – County of Los Angeles.

Testimony in above case – May 12, 2014, Chatsworth, CA

Testimony in Cause Number 07-0752-K – Personal Care Products, Inc. (Plaintiff) versus Texas Health and Human Services Commission Office of Inspector General

(Defendant) – February 19, 2014 – Texas Health and Human Services Commission
Administrative Law Hearing – Austin, Texas

Deposition at Office of Texas Attorney General on October 25, 2013 – Crowson
Litigation Settlement Trust (Plaintiff) versus Susan Combs, State of Texas
Comptroller of Public Accounts, and Greg Abbott, Attorney General of the State of
Texas (Defendant) - NO. D-1-GN-12-003424 – Travis County District Court –
126th District

Deposition at Office of Foley & Lardner in Los Angeles, CA on May 7, 2013 in
Case Number BC 411611 Blue Cross of California, et al. (Plaintiff) versus Pomona
Valley Hospital Medical Center (Defendant), Superior Court of California –
County of Los Angeles.

Deposition at Office of Williams & Connally in Washington, DC on December 22,
2017 in Case Number D-1-V-14000338 The State of Texas *ex. rel.* (Plaintiff) versus
CVS Health Corporation (Defendant), District Court of Travis County, Texas, 126th
Judicial District

Testimony in above case - February 1, 2018, Austin, TX

Please also refer to Mr. Truitt's Curriculum Vitae attached to his report as Exhibit
A.

- Pursuant to 26(a)(2)(B)(vi), Defendants have paid Pinnacle for Mr. Truitt's services
at the hourly rate of \$625.00 for his prior work on this matter. Defendants will pay
Pinnacle an hourly rate of \$675.00 for his report preparation, as well as any future
deposition or trial work.

Respectfully submitted, this the 7th day of March, 2025.

<u>/s R. Daniel Boyce</u> R. Daniel Boyce MAYNARD NEXSEN, P.C. 4141 Parklake Avenue Suite 200 Raleigh, NC 27612 (919) 653-7827 Fax: (919) 653-0435 dboyce@maynardnexsen.com NC Bar. No. 12329 Local Civil Rule 83.1(d) <i>Attorney for</i> <i>Defendants</i>	Alice V. Harris <u>Jenna Godlewski</u> MAYNARD NEXSEN, P.C. 1230 Main Street Suite 700 Columbia, SC 29201 (843) 253-8284 AHarris@maynardnexsen.com JGodlewski@maynardnexsen.com <i>Attorney for Defendants</i>
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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2025, the foregoing was served on Counsel for the Plaintiffs via email as follows:

Neal I. Fowler, Esq. Assistant U.S. Attorney Civil Division 150 Fayetteville Street, Suite 2100 Raleigh, North Carolina 27601-1461 E: neal.fowler@usdoj.gov <i>Counsel for the Government</i>	MaryAnne M. Hamilton, Esq. MILLER LAW GROUP, PLLC 2424 Glenwood Avenue, Suite 201 Raleigh, North Carolina E: maryanne@millerlawgroupnc.com <i>Attorneys for Relator</i>
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/s R. Daniel Boyce
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